

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 MAY 24 P 12:27
U.S. DISTRICT COURT
DISTRICT OF MASS.

ANTHONY BAYAD,

Plaintiff,

v.

JOHN CHAMBERS, et al.,

Defendants.

Civil Action No. 04-10468-GAULIN

AFFIDAVIT OF LISA GAULIN

I, Lisa Gaulin, depose on oath and state as follows:

1. On April 2, 2004, I returned a completed waiver of service to the *pro se* Plaintiff on behalf of Defendant Patricia Russo.

2. After Plaintiff filed a motion for default against Ms. Russo based on his belief that she had not returned the waiver properly, I sent him a letter on April 27, 2004 and, later, contacted him via telephone to discuss the matter. In each instance, I asked Plaintiff to withdraw his motion because the waiver had been returned to him as requested within the time specified under Federal Rules of Civil Procedure 4(d)(2)(F); I explained that it was his obligation to file the waiver with the Court; and, I told Plaintiff that because Ms. Russo had returned the waiver, her response to his Complaint was not yet due.

3. In multiple conversations I had with Plaintiff in an attempt to understand the substance of his various motions, he continued to claim that Ms. Russo was in default for not responding to his request for waiver properly. I told him that if he believed the waiver of service was returned improperly, he should then serve Ms. Russo.

4. I have informed Plaintiff that Ms. Russo would be filing a motion to dismiss his Complaint.

Signed under the penalties of perjury this 24th day of May, 2004.



Lisa Gaulin